

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kendall Wayne King et al. :

APPLICATION NO.: 09/676,249 : Examiner: Not Yet Assigned

FILING DATE: September 29, 2000 : Group Art Unit: Not Yet Assigned

TITLE: NUCLEIC ACIDS AND PROTEINS OF :  
THE MYCOPLASMA  
HYOPNEUMONIAE MHP3 GENE AND  
USES THEREOF

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

RESPONSE TO NOVEMBER 21, 2000 NOTICE TO FILE MISSING PARTS

Enclosed herewith is a Declaration and Power of Attorney for the above-identified application, and a replacement paper and CRF copy of the Sequence Listing on a diskette which are due January 21, 2000.

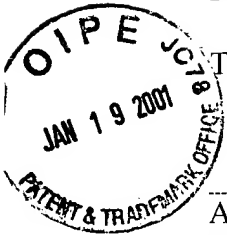
A copy of the Notice to File Missing Parts is also enclosed.

Regarding the replacement sequence listing, comments were provided for SEQ ID Nos 3, 4, 7, 10, 12 and 14. Applicants' changes to the Sequence Listing are explained below. Applicants maintain that no new matter is added by the amendments to the Sequence Listing made herewith, and as explained below, all changes are either technical or are fully supported by the specification as filed.

Applicants' undersigned attorney has compared the content of the paper copy of the Sequence Listing with the contents of the diskette, and states that they are identical to each other.

In SEQ ID NO:3, field <211> was changed to 1269 to reflect correctly the number of nucleotides in the sequence. The sequence annotation was also changed to reflect the correct number of nucleotides. In SEQ ID NO:4, the carboxy-terminal sequence "Xaa Xaa" was replaced with "Asn Leu" to provide a translation of the terminal codons of SEQ ID NO:3. Accordingly, fields <220> to <223> are not required in SEQ ID NO:4 as amended. The terminal two amino acids are described in the original specification at page 25, lines 23 - 26.

In SEQ ID NO:7, the Sequence Listing has been amended to contain the explanation fields <220> to <223>. As stated in the specification of the subject application at page 21 lines 26-29, SEQ ID NO: 7 was obtained from PCT International Publication WO 96/28472 (See, page line 18, line 26 of WO 96/28472).

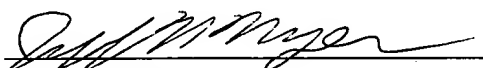


In SEQ ID NOs:10, 12 and 14, the Sequence Listings have been amended to contain the explanation fields <220> to <223>. All of these sequences used the symbol "n" and other symbols as provided in 1.822(b) and MPEP 2422, to represent degenerate synthetic oligonucleotides.

The Commissioner is hereby authorized to charge the amount of \$130.00 under 37 C.F.R. 1.16(e) for filing the declaration after the filing date of the application, as well as any additional fees which may be required under 37 C.F.R. §§1.16 and 1.17, or to credit any overpayment, to Deposit Account No. 16-1445. Two copies of this paper are enclosed.

Respectfully submitted,

Date: January 16, 2001

  
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CERTIFICATE OF FIRST-CLASS MAILING

Pfizer Docket Number: PC10555A

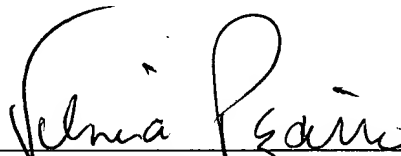
Application Number: 09/676,249

Title: NUCLEIC ACIDS AND PROTEINS OF THE MYCOPLASMA  
HYOPNEUMONIAE MHP3 GENE AND USES THEREOF

Applicants: Kendall W. King et al.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this 16<sup>th</sup> day of January, 2001.

By:

  
(Signature of person mailing)

Vilma Pizarro

(Typed or printed name of person)

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/676,249         | 09/29/2000          | Kendall Wayne         | PC10555A               |

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## FORMALITIES LETTER



\*OC000000005569918\*

Date Mailed: 11/21/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason (s):
  - The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
  - Applicant must provide:
    - A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-1123
- For CRF Submission Help, call (703) 308-4212
- PatentIn Software Program Support
- - For Technical Assistance, call (703) 287-0200
- - To Purchase PatentIn Software, call (703) 306-2600

- The balance due by applicant is \$ 130.

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01 FC:105 130.00 CH

11/21/00

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*A copy of this notice **MUST** be returned with the reply.*

*Q. Barnes*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE